

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY DISABILITY ASSISTANCE PROGRAM MANUAL	
PAYMENT IRREGULARITIES	SECTION 700	COMAR 07.03.05.13.15 07.03.14,

700.1 Underpayments

- A. To correct a TDAP underpayment, the case manager:
 1. Corrects continuing payments promptly, if appropriate,
 2. Authorizes corrective payments through CARES as a one-time-only payment equal to the total amount of the underpayment from the time of discovery and correction retroactive to the time the underpayment first occurred, and
 3. Has a supervisor review and approve the underpayment before payment is made.

Example

Mr. H appealed a decision to close his TDAP case 20 days after the date of the notice, therefore, TDAP benefits were not paid pending appeal. Two months later at the appeal hearing, the Administrative Law Judge found the local department incorrectly closed Mr. H's case and ordered that they restore benefits. The local department reopened the case and also authorized corrective payments for 2 months since Mr. H did not receive TDAP while waiting for his appeal.

- B. Do not count corrective payments as income or resources for determining eligibility in the month paid or in the following month.
- C. The local department may apply an underpayment to offset an overpayment debt.
- D. An individual may request an administrative hearing to challenge the amount of an underpayment.

700.2 Overpayments

- A. To correct an overpayment, the local department:
 1. Determines the correct benefit amount promptly and takes action to correct the continuing payment as needed, and
 2. Calculates the total amount of the overpayment retroactive to the time of the error. **CARES does not calculate TDAP overpayments.**
- B. Follow procedures to collect the overpayment (see 700.4 – Collection of an Overpayment).
- C. The local department may waive the establishment of an overpayment if the overpayment is \$125 or less and the case is closed.

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY DISABILITY ASSISTANCE PROGRAM MANUAL	
PAYMENT IRREGULARITIES	SECTION 700	COMAR 07.03.05.13.15 07.03.14,

700.3 Administrative Hearings

- A. The recipient may request an administrative hearing to challenge the proposed action to reduce, suspend, or terminate benefits.
- B. If a hearing decision upholds the proposed reduction, suspension, or termination, the overpayment includes any payments made pending the decision.
- C. A former recipient of benefits may request an administrative hearing to challenge the local department's decision:
 1. That an overpayment occurred,
 2. Of the amount or cause of the overpayment, or
 3. Of the proposed method to repay the overpayment.

700.4 Collection of an Overpayment

- A. Termination of benefits does not relieve the recipient of the obligation to reimburse the State for any overpayment.
- B. The local department:
 1. Requests repayment of the overpayment debt and
 2. Refers the debt to the Central Collection Unit of the Department of Budget and Management, if appropriate.
 3. A current or former recipient must reimburse the local department for any overpayment.

Example

Ms. V failed to report that she had worked for two months while she received TDAP. The case manager notified Ms. V that her case would close because she is employed. Ms. V appealed the decision within 10 days of the notice. Therefore, she requested and continued to receive benefits pending the hearing. The local department action was upheld at the hearing. The case manager determined that Ms. V was overpaid \$740. The local department requested that Ms. V repay the \$740 and forwarded the case to the Central Collection Unit (CCU).

700.5 Suspected Fraud Procedures

- A. When fraud is suspected, the case manager refers the case to the Office of the Inspector General (OIG) or directly to the Local State's Attorney Office (SAO).

DEPARTMENT OF HUMAN SERVICES FAMILY INVESTMENT ADMINISTRATION	TEMPORARY DISABILITY ASSISTANCE PROGRAM MANUAL	
PAYMENT IRREGULARITIES	SECTION 700	COMAR 07.03.05.13.15 07.03.14,

- B. A supervisory-level employee must approve the referral document and the director of the local department or designee must sign it before a referral is made.
- C. After a referral has been made, the local department informs the Office of the Inspector General (OIG) or the local State's Attorney's Office (SAO) of any newly discovered facts or changed circumstances in the case.
- D. The local department provides access to the relevant records in its possession for the investigators assigned to investigate suspected fraud.
- E. The local department cannot give notice to an applicant or recipient of any referral to OIG or SAO for action on suspected fraud, except that the local department representative may answer "yes" or "no" when the recipient asks whether a referral has been made.

700.6 Penalty Period

- The period of ineligibility for TDAP Intentional Program Violations is 36 months upon:
 1. Being found guilty of an IPV in Administrative Disqualification Hearing,
 2. The customer signing the ADH waiver or
 3. Being found guilty of an IPV in a court of law.